

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC

**In the Matter of:**

**KENELM H. WINSLOW**

FAA Order No. 96-13

Served: April 19, 1996

Docket No. CP94SO0153

**ORDER DISMISSING APPEAL**

On September 21, 1995, Chief Administrative Law Judge John J. Mathias rendered an oral initial decision in the above-captioned matter, finding that Respondent Kenelm H. Winslow violated 14 C.F.R. §§ 91.7(a), 91.13(a) and 121.628(a)(5), and imposing a \$500 civil penalty. Mr. Winslow filed a timely notice of appeal on September 24, 1995,<sup>1</sup> but has not perfected his appeal by filing an appeal brief.

Complainant filed a motion to dismiss the appeal on February 22, 1996. In the motion, Complainant argued that Mr. Winslow failed to file an appeal brief, and that the notice of appeal does not satisfy the requirements for an appeal brief. Mr. Winslow has not responded to the motion to dismiss.

Complainant's motion to dismiss the appeal is granted. Under Section 13.233(c) of the Rules of Practice in Civil Penalty Actions, a party must perfect an appeal by filing an appeal brief no later than 50 days after the entry of the oral initial decision on the record. 14 C.F.R. § 13.233(c). Thus, Mr. Winslow's appeal brief was due to be filed no later than November 10, 1995. Mr. Winslow's notice of appeal does not satisfy the requirements for an appeal brief set forth in 14 C.F.R. § 13.233(d)(1).<sup>2</sup> Mr. Winslow has not argued that good cause exists to excuse his failure to file an appeal brief.

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<sup>1</sup> The notice of appeal was mistakenly dated September 24, 1996.

<sup>2</sup> Mr. Winslow's notice of appeal states simply: "Now comes the respondent to file notice of appeal as provided under 14 CFR 13.233."

*THEREFORE, IT IS ORDERED THAT:*

Respondent Kennelm Winslow's notice of appeal is dismissed under 14 C.F.R. § 13.233(d)(2) for failure to perfect his appeal.

DAVID R. HINSON, ADMINISTRATOR  
Federal Aviation Administration



VICKI S. LEEMON<sup>3</sup>  
Manager, Adjudication Branch

Issued this 19th day of April, 1996.

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<sup>3</sup> Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (see 57 Fed. Reg. 58,280 (1992)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication Branch, by Memorandum dated August 6, 1993.